REMARKS

This Amendment is in response to the Office Action dated November 20, 2007 ("OA"). In the Office Action, claim 12 was objected to and claims 1-5, 7-17, 19-28 and 30-34 were rejected under 35 USC §103. Currently pending claims 1-5, 7-17, 19-28 and 30-34 are believed allowable, with claims 1, 12, 13 and 24 being independent claims.

FINALITY OF REJECTION IS PREMATURE:

The Examiner alleges, "Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. THIS ACTION IS MADE FINAL." OA, pg. 7.

MPEP 706.07(a) states,

> Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

A new ground of rejection is created when an examiner designates a new "particular part relied on" or relies on a "different portion" of a reference. In re Wiechert, 370 F.2d 927, 933, 152 USPQ 247, 251-52 (CCPA 1967) ("An applicant's attention and response are naturally focused on that portion of the reference which is specifically pointed out by the examiner. … [W]hen a rejection is factually based on an entirely different portion of an existing reference the appellant should be afforded an opportunity to make a showing of unobviousness vis-à-vis such portion of the reference").

In interpreting the term "new ground" in 37 C.F.R. § 1.196(b) the court stated, "Where the board makes a decision advancing a position or rationale new to the proceedings, an applicant must be afforded an opportunity to respond to that position or rationale by submission of contradicting evidence." In re DeBlauwe, 736 F.2d 699, 706 n. 9, 222 USPQ 191, 197 n.9 (Fed. Cir. 1984); In re Kronig, 539 F.2d 1300, 1302, 190 USPQ 425, 426 (CCPA 1976) ("the ultimate criterion of whether a rejection is considered 'new' in a decision by the board is whether appellants have had fair opportunity to react to the thrust of the rejection"). In re Eynde, 480 F.2d 1364, 1370-71, 178 USPQ 470, 474 (CCPA 1973) ("We do agree with appellants that where the board advances a position or rationale new to the proceedings . . . the appellant must be afforded an opportunity to respond to that position or

rationale by the submission of contradicting evidence. This court so held in In re Moore, [444 F.2d 572, 170 USPQ 260 (CCPA 1971)], and we expressly reaffirm that view. The board's refusal to consider evidence which responds to such a new rationale is error.") MPEP § 1207.03(III) (deferring to the Kronig line of case law for the definition of the term "new ground").

Claim 9

In the Office Action dated May 25, 2007, claim 9 was rejected based on the alleged teachings of Buck at page 3, column 2, lines 18-25 and Figure 2. In the Final Office Action of November 20, 2007, claim 9 was rejected based on the alleged teachings of Buck at page 3, column 1, lines 1-14.

The Applicants submit that the subject matter of claim 9 was not amended in the Response to Office Action filed August 27, 2007. Furthermore, the ground of rejection is clearly not based on information submitted in an information disclosure statement. Therefore, the Applicants respectfully submit that issuance of a final rejection is improper under MPEP 706.07(a).

Claim 11

In rejecting claim 11, the Examiner alleges that Styczinski "teaches that increasing available capacity in containers includes compressing data within the resource tier until the resource tier is in compliance with the management policy (col 15, lines 15-32)." OA, page 6, paragraph 22.

Claim 11 as originally presented recited, "The method of claim 1, wherein automatically attempting to bring the resource tier in compliance with the management policy includes compressing data within the resource tier until the resource tier is in compliance with the management policy." It is thus evident that the limitation of compressing data within the resource tier until the resource tier is in compliance with the management policy was not introduced by the Applicants' amendment of the claims.

It follows that the ground of rejection of claim 11 reproduced above is not necessitated by the Applicants' amendment to the claims. Furthermore, the ground of rejection is clearly not based on information submitted in an information disclosure statement. Therefore, the Applicants respectfully submit that issuance of a final rejection is improper under MPEP 706.07(a).

CLAIM OBJECTIONS:

Claim 12

Claim 12 was objected to due to being a system claim without any hardware present in the claim body. OA, pg. 2. The Examiner suggested incorporating the language, "having processor", after "system". *Id.*

Claim 12 now states, "the system including a processor." Thus, the Applicants respectfully submit that hardware is present in the body of claim 12.

For at least these reasons, claim 12 is believed allowable. The Applicants respectfully request reconsideration and allowance of claim 12.

CLAIM REJECTIONS UNDER 35 USC §103:

Claims 1-5, 7-10, 12-17, 19-22, 24-28 and 30-33 are rejected under 35 USC §103 as unpatentable over "Tivoli® Storage Network Manager" ("Tivoli") in view of "The Use of Life Expectancy to Manage Lotus Notes® Email Storage" by William "Bucky" Pope and Lily Mummert ("Bucky"). OA, pg. 2.

Claims 11, 23 and 34 are rejected under 35 USC §103 as unpatentable over Tivoli in view of Bucky and further in view of U.S. Patent No. 5,960,169 to Styczinski ("Styczinski"). OA, pg. 6.

A *prima facie* case for obviousness can only be made if the combined reference documents teach or suggest all the claim limitations. MPEP 2143.

Claim 1

Claim 1 recites, in part, "automatically determining if a resource tier is in compliance with a management policy, wherein the management policy includes requiring that an expiration date of the resource tier occur after a maintenance date."

In rejecting claim 1, the Examiner alleges that Bucky teaches "the management policy includes requiring that an expiration date of the resource tier occur after a maintenance date." OA, pg. 3. The Examiner cites page 1, column 2, lines 13-18 through page 2, column 1, lines 1-8 of Bucky. *Id.* The cited passage states,

> We demonstrate that these decisions are made simpler by calculating the *life expectancy* of a unit of storage. Life expectancy is the time left before a file system fills up. It is calculated using the existing utilization and the historical growth rate of storage usage. Traditionally, we monitor these at an aggregate level, such as a file

> system. We demonstrate the value of keeping individual histories of email databases, which transfer with the database as it migrates from one server to another. We then use the impact of each database on the life expectancy of a file system to make more intelligent administrative decisions. Bucky, pg. 1, col. 2, ln. 13 through pg. 2, col. 1, ln. 8.

The Applicants respectfully submit that the cited passage fails to teach or suggest requiring an expiration date occur after a maintenance date. Therefore, the cited passage cannot teach that a management policy includes requiring that an expiration date of the resource tier occur after a maintenance date as is required by claim 1.

Moreover, the Applicants respectfully submit that the cited passage fails to teach or suggest a management policy. While the passage discloses ". . . these decisions . . ." and ". . . we then use the impact of each database on the life expectancy of the file system to make more intelligent administrative decisions . . .", nothing in the cited passage teaches or suggests that the decisions disclosed by Bucky are based on a management policy.

Additionally, the specification states, "A maintenance date represents the beginning of a maintenance window during which the storage system may be modified with little or no adverse impact on the operations of the entity utilizing the storage system." App., pg. 6, ln. 22-25. The Applicants respectfully submit that the passage cited by Bucky clearly fails to teach or suggest a date representing the beginning of a maintenance window during which a storage system may be modified with little or no adverse impact on the operations of an entity utilizing the storage system.

In regard to the same claim limitation, the Examiner additionally cites page 2, column 2, lines 41-48 through page 3, column 1, lines 1-2 of Bucky. OA, pg. 3. The cited passage states,

> Installations try to impose limits but compliance is frequently voluntary and users are not motivated to do frequent or consistent housekeeping. The result is inevitable. Utilization increases to the limit and the operating system is forced into failure mode, usually at the worst time. This means that we must act preemptively to prevent such an occurrence. The time period between today and the expected date of failure we call *life expectancy*. Bucky, pg. 2, col. 2, ln. 41 through pg. 3, col. 1, ln. 2.

As with the preceding passage, the Applicants respectfully submit that the cited passage fails to teach or suggest requiring an expiration date occur after a maintenance date. Therefore, the cited passage cannot teach

that a management policy includes requiring that an expiration date of the resource tier occur after a maintenance date as is required by claim 1.

Moreover, the Applicants respectfully submit that the cited passage fails to teach or suggest a management policy. While the passage discloses that ". . . we must act preemptively . . .", nothing in the cited passage teaches or suggests that the specific preemptive actions taken are based on a management policy.

Additionally, the Applicants respectfully submit that the cited passage clearly fails to teach or suggest a date representing the beginning of a maintenance window during which a storage system may be modified with little or no adverse impact on the operations of an entity utilizing the storage system.

Furthermore, It is well settled that "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336, quoted with approval in KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007).

In rejecting claim 1, the Office Action alleges that Bucky "teaches that the management policy includes requiring that an expiration date of the resource tier occur after a maintenance date." OA, pg. 3. The Examiner argues that this claim element is found in Bucky by merely copying the claim element and citing page, column and line numbers. The rejection does not provide a comprehensive explanation of why the Examiner considers the limitation of claim 1 disclosed in Bucky. In particular, the rejection fails to allege which structures disclosed by Bucky are equivalent to the management policy, the expiration date and the maintenance date required by claim 1. If the rejection of claim 1 is maintained, the Applicants request that a detailed explanation of disclosed structures relied upon in Bucky be clearly articulated by the Examiner in accordance with 37 CFR 1.104(c)(2).

For at least these reasons, claim 1 is believed allowable over Tivoli in view of Bucky. The Applicants respectfully request reconsideration and allowance of claim 1.

Claims 2-3

Claims 2 and 3 are dependent on and further limit claim 1. Since claim 1 is believed allowable, claims 2 and 3 are also believed allowable for at least the same reasons as claim 1.

Claim 4

Claim 4 recites, "The method of claim 2, wherein allocating additional capacity to the containers includes utilizing available capacity from other containers in the resource system." It is emphasized that claim 4 thus requires that additional capacity is allocated. This is evident from the wording of claim 4 itself. Furthermore, because claim 4 is dependent on claim 2, claim 4 incorporates all limitations found in claim 2. Claim 2 recites, "The method of claim 1, wherein increasing available capacity in containers includes allocating additional capacity to containers belonging to the resource tier until the resource tier is in compliance with the management policy." This further clarifies that claim 4 requires allocating additional capacity.

In rejecting claim 4, the Examiner alleges that Bucky teaches the claim limitation, "wherein allocating additional capacity to the containers includes utilizing available capacity from other containers in the resource system." OA, pg. 4. Specifically, the Examiner cites the following passage: "If space is available elsewhere, a second approach is to move files out of the file system." Bucky, pg. 4, col. 2, ln. 12-13.

As previously noted, claim 4 requires that additional capacity is allocated. The Applicants respectfully submit that moving files out of a file system cannot be equivalent to allocating additional capacity. Those skilled in the art will appreciate that the capacity of a file system is the total amount of data which the file system can hold. Capacity is different than free space, which is the portion of the total capacity which does not currently contain data and which may therefore store new data. Moving a file out of a file system generally increases the free space available at the file system. This occurs because the subset of the total capacity previously occupied by the file is now available to store new data. Moving a file out of a file system does not, however, change the capacity of the file system. Because moving a file out of a file system does not increase the capacity of the file system, it cannot be equivalent to allocating additional capacity as is required by claim 1.

For at least these reasons, claim 4 is believed allowable over Tivoli in view of Bucky. The Applicants respectfully request reconsideration and allowance of claim 4.

Claim 5

Claim 5 recites, "The method of claim 2, wherein allocating additional capacity to the containers includes allocating additional capacity to containers of higher importance before allocating additional capacity to containers of lower importance."

The Examiner alleges that Bucky teaches claim 5. OA, pg. 4-5. In support of this position, the Examiner cites the following passage:

> Administrators can look through the list and select the candidates to move until they reach some desired threshold of new life expectancy. This is necessary because the largest fastest growing files are the prime candidates . . . . Bucky, pg. 4, col. 2, ln. 43 through pg. 5, col. 1, ln. 3.

The passage cited by the Examiner does not disclose that containers vary in importance. Therefore, the cited passage cannot teach containers of higher importance and containers of lower importance.

Furthermore, those skilled in the art will appreciate that certain resources (e.g., data, computing systems, or other functionality) are referred to as "mission critical" to indicate that they are particularly essential to an organization. Mission critical resources are typically those without which core functions would fail. Resources which are mission critical are clearly of higher importance than resources which are not mission critical. Whether or not a file is mission critical is distinct from the rate of growth of the file. Thus, a slowly growing file may be mission critical and therefore of higher importance relative to a rapidly growing file which is not mission critical and therefore of lower importance. Therefore, the largest fastest growing files disclosed by Bucky are clearly not inherently equivalent to containers of higher importance as required by claim 5.

Furthermore, in the absence of an express intent to impart a novel meaning to the claim terms, the words are presumed to take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art. MPEP 2111.01 citing Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc., 334 F.3d 1294, 1298 67 USPQ2d 1132, 1136 (Fed. Cir. 2003). Thus, the Applicants can act as their own lexicographers and define in the claims what

they regard as their invention essentially in whatever terms they choose so long as any special meaning assigned to a term is clearly set forth in the specification. MPEP 2173.01

Claim 5 requires "containers of higher importance" and "containers of lower importance". The specification describes containers as follows: "As used herein, a container is an identifiable part of a resource having a storage limit. A container, for example, may be a disk partition, a group of storage volumes, or an entire storage system." App., pg. 5, ln. 7-10. A file is not inherently equivalent to a container because files do not inherently have storage limits and containers have storage limits. Because a file is not inherently equivalent to a container, it follows that a fastest growing file is not inherently equivalent to a container of higher importance.

For at least these reasons, claim 5 is believed allowable over Tivoli in view of Bucky. The Applicants respectfully request reconsideration and allowance of claim 5.

Claim 7

Claim 7 is dependent on and further limits claim 1. Since claim 1 is believed allowable, claim 7 is also believed allowable for at least the same reasons as claim 1.

Claim 8

Claim 8 is dependent on claim 7 and recites, "The method of claim 7, wherein calculating the expiration date of the resource tier includes calculating a life expectancy of each container belonging to the resource tier." It follows that claim 8 requires that at least one container belongs to a resource tier.

The Examiner alleges that Bucky teaches claim 8. OA, pg. 5. In support of this position, the Examiner cites the following passage:

> Large installations can have hundreds of servers and thousands of file systems to monitor. Each file system contains a unique set of files with their own growth patterns, which accumulate to produce a different growth pattern for each file system. Bucky, pg. 4, col. 1, ln. 1-5.

The cited passage fails to recite either calculating an expiration date or calculating a life expectancy. Therefore, the Applicants respectfully submit that the cited passage cannot teach or suggest that calculating the

expiration date of the resource tier includes calculating a life expectancy of each container belonging to the resource tier.

Moreover, the cited passage fails to clearly disclose a method step. Instead, the cited passage teaches a property of file systems, namely that "[e]ach file system contains a unique set of files with their own growth patterns, which accumulate to produce a different growth pattern for each file system." Absent from the cited passage is any teaching or suggestion that the property recited is the result of any method step recited by Bucky. Because the cited passage fails to recite a method step, it clearly cannot teach claim 8.

The Examiner further cites the following passage:

> The strategy we've chosen is to organize file systems by their life expectancy, with the shortest being first. Bucky, pg. 4, col. 1, ln. 10-11.

As previously noted, claim 8 requires that at least one container belongs to a resource tier. However, the cited passage fails to teach or suggest that any structure (e.g., any file system) belongs to any other structure. Therefore, the Applicants respectfully submit that the cited passage fails to teach or suggest that calculating the expiration date of the resource tier includes calculating a life expectancy of each container belonging to the resource tier as is required by claim 8.

For at least these reasons, claim 8 is believed allowable over Tivoli in view of Bucky. The Applicants respectfully request reconsideration and allowance of claim 8.

Claim 9

Claim 9 is dependent on claim 8 and recites, "The method of claim 8, wherein calculating the life expectancy of the containers includes adjusting the life expectancy of the containers to account for container lead-time."

The Examiner alleges that Bucky teaches claim 9. OA, pg. 5. In support of this position, the Examiner cites the following passage:

> The time period between today and the expected date of failure we call *life expectancy*.
>
> An administrator is faced with two major aspects of the storage decision: when to take action and what to do when action is necessary. Sufficient lead-time is determined by the time needed to act plus some margin for error.

> Administrators may expand storage, or move data. Given the administrator decides to expand storage, the question is how much. This is an affordability question, which can be represented by life expectancy. For example, if one size disk increases the life expectancy of the storage system to one year, we would consider this a reasonable alternative. Bucky, pg. 3, col. 1, ln. 1-14.

The cited passage recites "life expectancy" and "lead-time." However, absent from the cited passage is any teaching or suggestion of adjusting the life expectancy to account for the lead-time. Therefore, the Applicants respectfully submit that the cited passage cannot teach or suggest that calculating the life expectancy of the containers includes adjusting the life expectancy of the containers to account for container lead-time.

For at least these reasons, claim 9 is believed allowable over Tivoli in view of Bucky. The Applicants respectfully request reconsideration and allowance of claim 9.

Claim 10

Claim 10 is dependent on claim 1 and recites, "The method of claim 1, further comprising if the resource tier cannot be brought in compliance with the management policy, alerting that the resource tier is not in compliance with the management policy." Thus, claim 10 not only requires alerting but further requires that the alert is issued if a resource tier cannot be brought into compliance with a management policy. Claim 10 further requires that the alert specifies that the resource tier is not in compliance with the management policy.

The Examiner alleges that Tivoli teaches claim 10. OA, pg. 5. In support of this position, the Examiner cites the following passage:

> Events and data from the SAN are captured and processed providing you with information, alerts, and notification for problem resolution. Tivoli, pg. 3, col. 1, ln. 12 through pg. 3, col. 2, ln. 3.

While Tivoli discloses "alerts", minimal detail is disclosed regarding the alerts. Specifically, devoid from Tivoli is any teaching or suggestion that an alert is issued if a resource tier cannot be brought into compliance with a management policy as is required by claim 10. Tivoli similarly fails to contain any teaching or suggestion that an alert specifies that a resource tier is not in compliance with a management policy as is required by claim 10. Therefore, the Applicants respectfully submit that the cited passage cannot teach or suggest that if the resource tier cannot be brought in

compliance with the management policy, alerting that the resource tier is not in compliance with the management policy.

For at least these reasons, claim 10 is believed allowable over Tivoli in view of Bucky. The Applicants respectfully request reconsideration and allowance of claim 10.

Claim 12

Claim 12 is rejected under the same rationale as claim 1. OA, pg. 6. Thus, claim 12 is believed allowable for at least the reasons provided above regarding claim 1. The Applicants therefore respectfully request reconsideration and allowance of claim 12.

Claims 13-17 and 19-22

Claims 13-17 and 19-22 are rejected under the same rationale as claims 1-5 and 7-10. OA, pg. 6. Thus, claims 13-17 and 19-22 are believed allowable for at least the reasons provided above regarding claims 1-5 and 7-10. The Applicants therefore respectfully request reconsideration and allowance of claims 13-17 and 19-22.

Claims 24-28 and 30-33

Claims 24-28 and 30-33 are rejected under the same rationale as claims 1-5 and 7-10. OA, pg. 6. Thus, claims 24-28 and 30-33 are believed allowable for at least the reasons provided above regarding claims 1-5 and 7-10. The Applicants therefore respectfully request reconsideration and allowance of claims 24-28 and 30-33.

Claim 11

Claim 11 is dependent on claim 1 and recites, "The method of claim 1, wherein increasing available capacity in containers includes compressing data within the resource tier until the resource tier is in compliance with the management policy." It is emphasized that claim 11 requires not only compressing data but further requires performing said operation until the resource tier is in compliance with the management policy.

In rejecting claim 11, the Examiner alleges that Styczinski "teaches that increasing available capacity in containers includes compressing data within the resource tier until the resource tier is in compliance with the management policy (col 15, lines 15-32)." OA, pg. 6. The cited passage of Styczinski states,

> If insufficient space exists within the conversion stripe to store the required COPY blocks (i.e., the stripe is in state 4, 6, or 7), then at least some of the data must be relocated from the conversion stripe to another stripe or another storage subsystem, such as to associated tape drive 405 (see FIG. 4). This process is shown in FIG. 11 as steps 1103-1106. The system first makes a determination whether storage in a DATA block can be freed (STEP 1103). This could be performed, e.g., by asking a user whether the data in the block can be overwritten, compressed, or stored elsewhere, in which case the user would make the choice. Alternatively, controller 403 can be programmed to scan the other stripes for available blocks to which data can be relocated, to compress data which can be compressed, or to select blocks for relocation to tape, etc., thus relocating blocks automatically. Controller 403 might use an algorithm such as least recently used to determine which block(s) to compress and/or relocate. Styczinski, col. 15, ln. 15-32.

The cited passage contains only two mentions of data compression. The first such mention is ". . . asking a user whether the data in the block can be . . . compressed . . . in which case the user would make the choice." Styczinski, col. 15, ln. 24-26. However, asking a user whether data can be compressed is clearly not equivalent to actually compressing data.

The second mention of data compression is ". . . to compress data which can be compressed . . . ." Styczinski, col. 15, ln. 28-29. However, the cited passage does not disclose that compressing data which can be compressed terminates as a result of any specified condition. Therefore, the cited passage cannot teach compressing data until a resource tier is in compliance with a management policy.

Furthermore, the cited passage fails to disclose a management policy or even to suggest that a management policy exists. For a resource tier to be in compliance with a management policy, the management policy must first exist. For this reason, the cited passage clearly cannot teach compressing data until a resource tier is in compliance with a management policy.

Therefore, the Applicants respectfully submit that the passage of Styczinski cited by the Examiner fails to teach or suggest compressing data within a resource tier until the resource tier is in compliance with a management policy.

Moreover, the passage cited by the Examiner clarifies that step 1103 of Figure 11 of Styczinski includes the teaching of ". . . compress data which can be compressed . . . ." Figure 11 shows only two possibilities which may follow step 1103. The first possibility is that control passes to step 1106. Regarding step 1106, Styczinski teaches that "[i]f it is not possible to free

one of the DATA blocks, the process aborts and the conversion stripe is not converted (STEP 1106)." Styczinski, col. 15, ln. 32-35.

The second possibility is that control passes to step 1104. Figure 11 shows that step 1104 is always followed by step 1105, which in turn is always followed by step 1102. In regards to step 1102, Styczinski states,

> The system then verifies whether sufficient unused space exists in the stripe to create a COPY block for each DATA block. Specifically, controller 403 consults stripe state table 501 to determine the stripe state; a stripe in either state 3 or 5 has sufficient unused space (STEP 1102). Styczinski, col. 15, ln. 11-15.

Moreover, Figure 11 of Styczinski labels step 1102 as, "State= 3 or 5?" The flowchart shown in Figure 11 clearly shows that if this condition is false, control passes to step 1103. Thus, if the process does not abort, step 1103 will be repeated until the state equals 3 or 5. The following teaching of Styczinski clarifies the meaning of states 3 and 5:

> In accordance with the preferred environment, each block of storage exists in one of five states: (1) EMPTY; (2) DATA; (3) PARITY; (4) COPY; or (5) FREE. Styczinski, col. 4, ln. 25-27.

Thus, state 3 indicates a PARITY block and state 5 indicates a FREE block.

It follows that step 1103 is repeated until either the process aborts or until the state of the block is either PARITY or FREE. The process aborting is clearly not inherently equivalent to a resource tier being in compliance with a management policy. Moreover, the state of the block being either PARITY or FREE is clearly not inherently equivalent to a resource tier being in compliance with a management policy. Therefore, step 1103 of Styczinski cannot teach compressing data until a resource tier is in compliance with a management policy.

Moreover, It is well settled that "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336, quoted with approval in KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007).

In rejecting claim 11, the Office Action alleges that Styczinski "teaches that increasing available capacity in containers includes compressing data within the resource tier until the resource tier is in

compliance with the management policy (col 15, lines 15-32)." OA, pg. 6. The Examiner argues that this claim element is found in Styczinski by merely copying the claim element and citing column and line numbers. The rejection does not provide a comprehensive explanation of why the Examiner considers the limitation of claim 11 disclosed in Styczinski. The Applicants are left guessing what the Examiner was thinking when making the rejection. If the rejection of claim 11 is maintained, the Applicants request that a detailed explanation of disclosed structures relied upon in Styczinski be clearly articulated by the Examiner in accordance with 37 CFR 1.104(c)(2).

For at least these reasons, claim 11 is believed allowable. The Applicants respectfully request reconsideration and allowance of claim 11.

Claims 23 and 34

Claims 23 and 34 are rejected under the same rationale as claim 11. OA, pg. 7. Thus, claims 23 and 34 are believed allowable for at least the reasons provided above regarding claim 11. The Applicants therefore respectfully request reconsideration and allowance of claims 23 and 34.

CONCLUSION

In view of the forgoing remarks, it is respectfully submitted that this case is now in condition for allowance and such action is respectfully requested. If any points remain at issue that the Examiner feels could best be resolved by a telephone interview, the Examiner is urged to contact the attorney below.

No fee is believed due with this Amendment, however, should such a fee be required please charge Deposit Account 50-0510 the required fee. Should any extensions of time be required, please consider this a petition thereof and charge Deposit Account 50-0510 the required fee.

Respectfully submitted,

Dated: January 17, 2008

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